



POLITICAL ACTIVITIES SUMMARY OF ETHICS RULES

**UNITED STATES DEPARTMENT OF COMMERCE
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**ETHICS LAW AND PROGRAMS DIVISION
OFFICE OF THE ASSISTANT GENERAL COUNSEL FOR ADMINISTRATION
UNITED STATES DEPARTMENT OF COMMERCE
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POLITICAL ACTIVITIES

Basic Principle: Keep Government and Political Activities Separate

The principle behind the rules on political activities is generally the same as with other outside activities: you should not mix your duties to the Government with your personal activities. This is particularly important with regard to political activities. The rules on political activities are intended to allow you to actively participate in the political process without being subject to coercion. Most employees may engage in a wide range of partisan political activities during off-duty hours, but may not engage in on-duty political activities. "Political activity" includes any activity directed toward the success or failure of a political party or group or a candidate for a partisan political office.

Special rules apply to certain Federal employees. Employees who are appointed by the President with the advice and consent of the Senate may generally engage in on-duty political activities as long as the costs of such activities are not borne by the Government. On the other hand, career members of the Senior Executive Service (SES), National Oceanic and Atmospheric Administration (NOAA) Corps officers, and the Inspector General have significant limitations placed on their off-duty political activities, as well as their on-duty conduct.

Ethics Law and Programs Division Office of the Assistant General Counsel for Administration

To obtain legal advice regarding limitations on political activities and other ethics rules contact the **Ethics Law and Programs Division** at **202-482-5384** or ethicsdivision@doc.gov.

Office of the Special Counsel

The Ethics Law and Programs Division provides advice on, but does not investigate, allegations of violations of the Hatch Act—the statute that bars Federal employees from engaging in certain political activities. You may report possible violations of the Hatch Act to the Office of the Special Counsel at 202-653-7143. The Office of the Special Counsel is an independent agency responsible for investigating reports of Hatch Act violations and for prosecuting violators.

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**– DO’S AND DON’TS –
GENERAL RULES ON POLITICAL ACTIVITIES
FOR MOST EMPLOYEES**

If you are not a career member of the Senior Executive Service, a NOAA Corps officer, or the Inspector General, you **may**:

- + register and vote;
- + be a candidate for public office in a nonpartisan election;
- + assist in voter registration drives;
- + contribute money to, and attend fund-raisers for, political parties and candidates;
- + attend and be active at political rallies and meetings;
- + campaign for or against referenda, constitutional amendments, or ordinances;
- + sign and circulate nominating petitions;
- + deliver or write campaign speeches for candidates;
- + personally distribute campaign literature (except for fund-raising literature);
- + hold office in political clubs or political parties;
- + attend or serve as a delegate to a political caucus or convention;
- + stuff envelopes for a political party or candidate; and
- + display a political sticker on a personal vehicle (when not on official business).

However, you **may not**:

- use Government resources, including your time or title, for political activities;
- use official authority or influence to interfere with an election;
- personally solicit, accept, or receive political contributions (except that you may solicit for a Federal labor or employee organization’s multi-candidate political committee, in some situations);
- coerce other Federal employees regarding political activities;
- solicit or discourage political activity of anyone with matters before your agency;
- be a candidate for public office in a partisan election (except as an independent candidate in certain localities);
- engage in a political activity while on duty;
- engage in a political activity while on Government premises;
- engage in a political activity while wearing Government identification (or uniform);
- engage in a political activity while using a Government vehicle;
- wear a political button while on duty;
- display a partisan banner, sign, sticker, or poster in a Federal office; or
- consider political affiliation or political activity with regard to a personnel action (except for a Schedule C or non-career SES position)

(unless you are a Senate-confirmed Presidential Appointee, a special Government employee, or an intermittent employee with an irregular schedule and such activity is permitted; rules applicable to these employees are explained below).

**– DO’S AND DON’TS –
SPECIAL RULES FOR
CAREER MEMBERS OF THE SENIOR EXECUTIVE SERVICE,
NOAA CORPS OFFICERS, AND THE INSPECTOR GENERAL**

If you serve as a career member of the Senior Executive Service (or are the Inspector General), you are barred from engaging in the management of a partisan political campaign, which prohibits you from engaging in a number of political activities, even when not on duty or on Government premises. If you are a NOAA Corps officer, you are subject to similar restrictions under NOAA Corp regulations. However, you **may**:

- + register and vote and sign nominating petitions;
- + assist in nonpartisan voter registration drives (but not partisan drives);
- + participate in campaigns in nonpartisan elections;
- + contribute money to political organizations and candidates;
- + attend political rallies, meetings, and fund-raising events;
- + campaign for or against referenda and constitutional amendments; and
- + display a political sticker on a personal vehicle (when not on official business).

You may not:

- use Government resources for a political activity;
- use official authority or influence to interfere with an election;
- personally solicit, accept, or receive a political contribution;
- coerce another Federal employee regarding political activities;
- solicit or discourage political activity of anyone with matters before your agency;
- be a candidate for public office in a partisan election (except as an independent candidate in certain localities);
- campaign for or against a candidate in a partisan election;
- circulate a nominating petition;
- serve as an officer in a political party or a convention delegate;
- distribute materials, stuff envelopes, or make calls for a party or candidate;
- wear a political button on duty;
- engage in a political activity while on duty;
- engage in a political activity while on Government premises;
- engage in a political activity while wearing Government identification or a Government uniform;
- engage in a political activity while using a Government vehicle;
- display a partisan banner, sign, sticker, or poster in a Government office; or
- consider political affiliation or political activity with regard to a personnel action (except for non-career appointments).

If you are a NOAA Corps officer, you are subject to some additional restrictions; contact the Ethics Law and Programs Division for more details on the rules applicable to you.

**– DO’S AND DON’TS –
SPECIAL RULES FOR
SPECIAL GOVERNMENT EMPLOYEES AND
INTERMITTENT EMPLOYEES**

If you serve as a special Government employee—an employee who works for 130 days or less in a 365-day period—or as an intermittent employee with an irregular schedule, you are not subject to restrictions on engaging in political activities during non-duty hours or when not on Government premises.

However, you **may not**:

- use Government resources, including supplies, time, title, or staff for political activities;
- use official authority or influence to interfere with an election;
- engage in a political activity while on duty;
- engage in a political activity while on Government premises;
- engage in a political activity while wearing a Government identification badge or uniform;
- engage in a political activity while using a Government vehicle;
- wear a political button while on duty;
- display a partisan banner, sign, sticker, or poster in a Federal office; or
- consider political affiliation or political activity with regard to a personnel action (except for non-career appointments).

SPECIAL SITUATIONS REGARDING THE POLITICAL ACTIVITIES OF PRESIDENTIAL APPOINTEES

Special Rules for Presidential Appointees. If you are a Presidential Appointee in a position requiring Senate confirmation (PAS), you must generally abide by the rules described above covering most Federal employees. However, you **may**:

- + engage in political activities while on duty, and
- + engage in political activities while on Government premises

but you **may not** use Government funds or other resources for political activities.

Although current law permits minimal use of Government equipment, services, and supplies for political activities by a PAS, current Department policy is that only the Secretary may use Government resources (after payment) for such purposes, or hold political meetings in Department offices.

Special Situations for Employees Working with a Presidential Appointee. Although a PAS may engage in political activities during regular working hours, no similar rule covers other employees, including non-career SES and Schedule C employees.

Regardless of your position, you may not engage in political activities as part of your Government duties.

Therefore, when on duty or in a Government office, if you are not a PAS, you **may not**:

- attend a political meeting,
- write a campaign speech,
- perform advance work for a political event, or
- provide advice regarding a political campaign.

However, if you work for a PAS, you **may** perform regular clerical and administrative tasks in connection with the political activities of the PAS (such as maintaining a schedule), provided that such duties are part of your normal Government duties.

If you work for a PAS, you usually **may not** accompany the PAS to a political activity or event held in a Government office or during duty hours. However, you may accompany a PAS to a political event on official travel orders if it is deemed necessary for you to perform incidental Department business that may arise during the travel or event. For example, you may accompany a PAS on a trip to perform security services or to serve as a Department liaison. On such a political trip, you may only work on Department activities and **may not** participate in, or assist the PAS with, political activities, even during non-duty hours.

POLITICAL FUND-RAISING

As noted above, unless you are a special Government employee or an intermittent employee, you **may not** solicit, accept, or receive political contributions, even during non-duty hours (except on behalf of an employee organization, as explained below).

Even if you are a Presidential Appointee, this restrictions bars you from:

- making telephone calls to solicit campaign contributions;
- hosting a political fund-raiser (although you may donate your personal residence for a fund-raising event);
- using, or permitting the use of, your Government title in connection with fund-raising activities;
- personally handing out fliers containing fund-raising requests; or
- asking for donations at a campaign event.

However, you **may**:

- + attend a political fund-raiser; and
- + make a political contribution.

In addition, if not during duty hours, if not on Government premises, and if you are not a career SES member, a NOAA Corps Officer, or the Inspector General, you **may**:

- + stuff envelopes with requests for donations;
- + solicit or accept political contributions from a union member for the multicandidate political committee of the union, **provided that** you are a member of that union and the donor is **not** a subordinate;
- + solicit contributions for a nonpartisan election (or for an independent candidate in a local election in a designated area);
- + serve on a fund-raising committee;
- + provide advice regarding a fund-raiser; and
- + donate your personal residence for a fund-raising event and attend that event, **provided that**:
 - you **do not** serve as the host or on a host committee (and are not listed on invitations in a manner that implies you are inviting persons to attend); and
 - the invitation to the event **does not** identify the location of the event by using your name (e.g., "at the home of . . .").

RUNNING FOR OFFICE

You **may not** run for office as a candidate in a partisan election (i.e., an election in which candidates are designated by political affiliation), *unless*:

- + you are a special Government employee or an intermittent employee
- + you run for office as an independent candidate in a local election in a Washington, D.C. suburb (but not in D.C. itself) or in another designated area (*provided that* you are *not* a career SES member or the Inspector General).

A partisan election is one in which the candidates are identified by party affiliation. Contact the Ethics Law and Programs Division at 202-482-5384 for a list of designated areas outside the Washington, D.C. area in which you may run as an independent candidate in a partisan election.

You **may** run for office in a nonpartisan election (i.e., an election in which none of the candidates are designated by party affiliation).

USE OF GOVERNMENT RESOURCES FOR POLITICAL ACTIVITIES

Government resources **may not** be used for political activities; this includes use of:

- Government equipment, services, and supplies, including Government mail;
- Government time;
- nonpublic information, including potential donor lists;
- the services of subordinates;
- your Government title; or
- the authority of your position.

Very narrow exceptions allow for minimal use of some Government resources by Presidential Appointees in positions requiring Senate confirmation if paid for in advance. However, Department policy currently limits use of this authority to the Secretary.

POLITICAL TRAVEL

The prohibition on using Government funds for political purposes also applies to travel expenses of Presidential Appointees and others attending political events. For travel to purely political events, the political campaign for which the Presidential Appointee is traveling must make all the arrangements and pay all costs. For travel that includes both political and Government events, the campaign or political organization must pay, in advance, a *pro rata* share of the costs based on the time spent on political activities or, for campaign events relating to a Presidential campaign, the costs that would have accrued if the trip was solely for the Presidential campaign. White House policy currently bars Presidential Appointees from traveling to a campaign event on a corporate owned or leased aircraft.

For both exclusively political travel and mixed political/official travel, Department employees may accompany a Presidential Appointee on a trip to perform incidental Department business.

For guidance on applying these rules to specific situations, contact the Ethics Law and Programs Division.

POLITICAL RECOMMENDATIONS

Government officials with examining or appointing authority may not solicit, receive, or consider an oral or written recommendation from a Member of Congress regarding an applicant for a competitive service position, unless the recommendation is limited to the character or residence of the applicant or unless it is based on the sender's personal knowledge or records of the applicant's work performance, ability, aptitude, or general qualifications or character, loyalty, or suitability. This same rule applies to recommendations or statements from a Member of Congress regarding personnel actions for current Government employees, including promotions or disciplinary actions. If you receive a recommendation letter regarding a personnel action concerning a competitive service position from a Member of Congress, you should contact your human resources office or the Ethics Law and Programs Division, at 202-482-5384, for advice.

OTHER ETHICS LAWS

In addition to the specific laws and regulations governing the political activities of Government employees, you also need to consider and follow the general ethics statutes and the Standards of Conduct. There are general ethics rules on outside activities, conflicts of interest, appearances of impropriety, gifts, lobbying the Government, and, as explained in part above, misuse of Government resources.

The interplay between the political activities rules and the basic ethics rules may not be readily evident. For example, you may serve as an officer of a political campaign (unless you are a career SES member, NOAA Corps officer, or the Inspector General), but you may not represent the campaign in a dispute before the Federal Election Commission because such action would be a violation of the basic prohibition that bars a Government employee from acting as an agent on behalf of a non-Federal entity before a Federal agency or Federal court. Similarly, although you may run for office in a local jurisdiction in a nonpartisan election, you may not accept the position and retain Federal employment if the position to which you are elected is inconsistent with your Government duties, such as if your Federal duties include working with the local government in which you serve as an elected official because a conflict of interest statute requires your disqualification from working for the Federal Government on matters affecting an outside employer.

For further guidance on political activity rules and ethics rules, contact the
Ethics Law and Programs Division
of the Office of the Assistant General Counsel for Administration,
U.S. Department of Commerce,
at 202-482-5384.

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EXAMPLES

NO PROBLEM

1. A GS-9 employee discusses with co-workers at a restaurant her views on a partisan mayoral race.
2. A Schedule C employee is elected chair of a local political party.
3. A Special Assistant runs for City Council in an election where candidates are not listed by party.
4. A non-career employee accompanies a Presidential Appointee on a political trip to assist with Department scheduling.
5. An employee writes a campaign speech using her computer at home.
6. A Confidential Assistant volunteers to work on a political event during non-duty hours.
7. An employee (who is not a career SES member) stuffs envelopes with a fund-raising letter for a candidate on a weekend.
8. A GS-7 employee serving in a 120-day position makes political fund-raising calls from her home at night.

PROBLEM

1. A GS-9 employee holds a campaign meeting in her Government office on behalf of a candidate in a partisan mayoral race.
2. A career Senior Executive Service member is elected chair of a local political party.
3. A Special Assistant runs for City Council in an election where candidates are designated by political party.
4. A non-career employee accompanies a Presidential Appointee on a political trip to assist with campaign event planning.
5. An employee writes a campaign speech using her office computer.
6. A Presidential Appointee asks her Confidential Assistant to work on a political event during non-duty hours.
7. An employee (who is not a career SES member) hands out a fund-raising letter for a candidate on a weekend.
8. A GS-7 employee serving in a permanent position makes political fund-raising calls from her home at night.